

EXHIBIT 27

ALAN WEIR CLARK 30 (b) (6)

<div>Page 1</div> <div>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION</div> <div><div>_____</div><div>)</div><div>IN RE SEAGATE TECHNOLOGY LLC)Case No.: LITIGATION)3:16-cv-00523-JCS</div><div>)</div><div>_____</div></div> <div>SEAGATE TECHNOLOGY 30(b)(6) DEPOSITION OF ALAN WEIR CLARK Palo Alto, California Friday, October 20, 2017 Volume 1</div> <div>Reported by: RACHEL FERRIER, CSR No. 6948 Job No. 2731967 PAGES 1 - 174</div>	<div>Page 3</div> <div>1 APPEARANCES:</div> <div>2</div> <div>3 For Plaintiffs:</div> <div>4 AXLER GOLDICH, LLC</div> <div>5 BY: NOAH AXLER</div> <div>6 Attorney at Law</div> <div>7 1520 Locust Street, Suite 301</div> <div>8 Philadelphia, PA 19102</div> <div>9 267.534.7400</div> <div>10 naxler@axgolaw.com</div> <div>11</div> <div>12 For Defendant SEAGATE TECHNOLOGY LLC:</div> <div>13 SHEPPARD MULLIN RICHTER & HAMPTON LLP</div> <div>14 BY: MUKUND SHARMA</div> <div>15 Attorney at Law</div> <div>16 379 Lytton Avenue</div> <div>17 Palo Alto, CA 94301</div> <div>18 650.815.2645</div> <div>19 msharma@sheppardmullin.com</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>
<div>Page 2</div> <div>1 UNITED STATES DISTRICT COURT</div> <div>2 NORTHERN DISTRICT OF CALIFORNIA</div> <div>3 SAN JOSE DIVISION</div> <div>4</div> <div>5 _____</div> <div>6)</div> <div>7 IN RE SEAGATE TECHNOLOGY LLC)Case No.: 8 LITIGATION)3:16-cv-00523-JCS</div> <div>9)</div> <div>10 _____</div> <div>11</div> <div>12 SEAGATE TECHNOLOGY 30(b)(6) DEPOSITION OF</div> <div>13 ALAN WEIR CLARK, VOLUME 1, taken on behalf of the</div> <div>14 Plaintiffs, at Sheppard Mullin Richter & Hampton LLP,</div> <div>15 379 Lytton Avenue, Palo Alto, California, beginning at</div> <div>16 8:57 a.m. and ending at 3:41 p.m. on Friday,</div> <div>17 October 20, 2017, before RACHEL FERRIER, Certified</div> <div>18 Shorthand Reporter No. 6948.</div> <div>19</div> <div>20</div> <div>21 ELITE LITIGATION SOLUTIONS, LLC</div> <div>22 One Penn Center</div> <div>23 1617 J.F.K. Boulevard, Suite 340</div> <div>24 Philadelphia, Pennsylvania 19103</div> <div>25 www.elitelitllc.com ~ 215.563.3703</div>	<div>Page 4</div> <div>1 INDEX</div> <div>2 WITNESS EXAMINATION</div> <div>3 ALAN WEIR CLARK</div> <div>4 VOLUME 1</div> <div>5</div> <div>6 BY MR. AXLER 6, 92</div> <div>7</div> <div>8</div> <div>9</div> <div>10 EXHIBITS</div> <div>11 NUMBER DESCRIPTION PAGE</div> <div>12 Exhibit 1 Notice of Deposition of</div> <div>13 Defendant Seagate</div> <div>14 Technology LLC 30(b)(6)</div> <div>15 Designee Alan Clark 6</div> <div>16</div> <div>17 Exhibit 2 Output from Salesforce</div> <div>18 (Bates FED_SEAG54829 -</div> <div>19 54832) 58</div> <div>20</div> <div>21 Exhibit 3 Consumer Critiques</div> <div>22 (Bates FED_SEAG4988 -</div> <div>23 4989) 79</div> <div>24</div> <div>25 Exhibit 4 GrenadaBP- D8 Decision Brief</div> <div>(Bates FED_SEAG57214 -</div> <div>57216) 97</div> <div>21 Exhibit 5 E-mail chain, Subject:</div> <div>Grenada 3TB at-risk</div> <div>Population still in</div> <div>Warranty. Please Provide</div> <div>Estimated Cost Analysis</div> <div>(Bates FED_SEAG55784 -</div> <div>55786) 115</div> <div>24</div> <div>25</div>

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<p>1 a warranty claim to Seagate directly; is that right?</p> <p>2 A That's correct.</p> <p>3 Q And you mentioned the term "RMA" earlier, and it</p> <p>4 sounded like from your testimony that that is equivalent</p> <p>5 to a return authorization?</p> <p>6 A Yes.</p> <p>7 Q Is that right?</p> <p>8 A Yes.</p> <p>9 Q What does RMA stand for?</p> <p>10 A "Return material authorization." I apologize for</p> <p>11 using pneumonics. Seagate speak.</p> <p>12 Q Understood.</p> <p>13 You testified also that consumers who are going</p> <p>14 to make a warranty claim directly to Seagate might do so</p> <p>15 through the website or through a call center; right?</p> <p>16 A Yes.</p> <p>17 Q Is there any other route for a consumer to make a</p> <p>18 warranty claim to Seagate?</p> <p>19 A I can't think of any, no.</p> <p>20 Q And is there any difference in either of those</p> <p>21 two routes for the consumer in terms of how the warranty</p> <p>22 is handled by Seagate?</p> <p>23 A There's no difference.</p> <p>24 Q So I take it that once the consumer receives the</p> <p>25 RMA and sends the drive back to Seagate, there's no</p>	<p>1 know, some other drive. And then it's a -- we pick the</p> <p>2 product, pack it, ship it back to the customer.</p> <p>3 Q You said the receiving dock at the distribution</p> <p>4 center will scan the bar code?</p> <p>5 A Mm-hmm.</p> <p>6 Q What is the bar code?</p> <p>7 A The bar code is a serial number.</p> <p>8 Q What is that serial number, or, I should say,</p> <p>9 what is that bar code contained on?</p> <p>10 A It's on the top cover label. You know, when you</p> <p>11 look at a hard drive and there's a top cover label, a</p> <p>12 white label with the part number and where it was</p> <p>13 manufactured and when, Seagate logo, and there's a bar</p> <p>14 code there that says the serial number.</p> <p>15 Q So every Seagate ST3000 drive will have that bar</p> <p>16 code on it?</p> <p>17 A Yes.</p> <p>18 Q And if I understood you correctly, that bar code</p> <p>19 with serial numbers correlated with the RMA?</p> <p>20 A Yes.</p> <p>21 Q So do all drives returned by consumers -- I</p> <p>22 should say, are all ST3000 drives returned by consumers</p> <p>23 under the warranty to Seagate pursuant to the RMA</p> <p>24 process received at the Long Beach distribution center?</p> <p>25 A In North America, yes.</p>
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<p>1 difference in the handling of that warranty claim</p> <p>2 whether it came through a website or through the call</p> <p>3 center; right?</p> <p>4 MR. SHARMA: Objection; asked and answered.</p> <p>5 THE WITNESS: There's no difference.</p> <p>6 BY MR. AXLER:</p> <p>7 Q So if a consumer returns an ST3000 drive to</p> <p>8 Seagate under warranty, what happens next at Seagate?</p> <p>9 A So we have collection points and distribution</p> <p>10 centers dotted around the globe. North America</p> <p>11 distribution center is in Long Beach, company called</p> <p>12 NEC. When the drive shows up on the receiving dock,</p> <p>13 there's a process whereby the guy on the receiving dock</p> <p>14 will scan the serial numbers. -- all the drives have</p> <p>15 bar codes. Will scan the bar code. Receive the product</p> <p>16 against that return authorization number. The act of</p> <p>17 them receiving the product then creates a demand for a</p> <p>18 replacement product to ship back to the customer, and</p> <p>19 there's a process within the distribution center, and,</p> <p>20 actually, to be honest, I can't remember how often we do</p> <p>21 this, but we, several times a day, will run an</p> <p>22 allocation thing that says, Here's my finished goods.</p> <p>23 Here's what I owe the customers. We'll allocate product</p> <p>24 to the oldest RMAs first. If we don't have that</p> <p>25 specific product, we will look for a substitute, you</p>	<p>1 Q And that's Long Beach, California; right?</p> <p>2 A Yes.</p> <p>3 Q What does Seagate do with the drives that have</p> <p>4 been returned?</p> <p>5 A Actually, I'm not the expert on that. It depends</p> <p>6 very much on the product. It depends very much</p> <p>7 sometimes on the vintage of the product, the next steps.</p> <p>8 The classic route is we accumulate product until</p> <p>9 we have an economic shipping quantity. And then we</p> <p>10 would ship them to our repair centers -- repair center,</p> <p>11 which is in Penang. And the repair guys will do some</p> <p>12 tests on the drives. They may validate to see if the</p> <p>13 drive's been tampered with, again, depending on the</p> <p>14 product. And if there's a demand for that drive -- so</p> <p>15 we have run our finished goods -- then we will run it</p> <p>16 through a recertification process.</p> <p>17 Q The ST3000 drives that we have been talking about</p> <p>18 were introduced by Seagate in 2011; is that right?</p> <p>19 MR. SHARMA: Objection; beyond the scope.</p> <p>20 THE WITNESS: Actually, I don't know. I can't</p> <p>21 remember when they were introduced.</p> <p>22 BY MR. AXLER:</p> <p>23 Q Do you have any knowledge about Seagate ST3000</p> <p>24 drives returned by consumers over warranty -- under</p> <p>25 warranty being sent to a Penang for repair?</p>

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<p>1 process?</p> <p>2 MR. SHARMA: Objection; vague and ambiguous,</p> <p>3 calls for speculation.</p> <p>4 THE WITNESS: The classic repair process, when we</p> <p>5 had a clean room, we would start by testing the drive.</p> <p>6 You know, there's a robot test that we test the drive.</p> <p>7 And if it fails, we would most likely change the PCBA,</p> <p>8 the control PCBA, which you can do at the clean room.</p> <p>9 If it continues to fail and there's demand for the</p> <p>10 product, then we put it in the clean room. We would</p> <p>11 tear down the product as basic components. We would</p> <p>12 recertify the components that could be recertified. Put</p> <p>13 those back into the stock and save the clean room and</p> <p>14 assemble the drive -- assemble drive.</p> <p>15 Now, without a clean room, we have -- we can run</p> <p>16 the drive through a test. There's a back-end tester,</p> <p>17 but -- and we are restricted to PCBA swap as a best</p> <p>18 case, no clean room.</p> <p>19 BY MR. AXLER:</p> <p>20 Q What does PCBA stand for?</p> <p>21 A "Printed circuit board assembly."</p> <p>22 Q With respect to the ST3000 drives, after the Long</p> <p>23 Beach facility generates a request for replacement of a</p> <p>24 warranty return, where does the replacement drive come</p> <p>25 from?</p>	<p>1 talk to Gena on the terms of the mix for that product.</p> <p>2 Q But is it your understanding that at least some</p> <p>3 of the replacements for ST3000 warranty returns were</p> <p>4 recertified drives?</p> <p>5 A That would be my understanding, yes.</p> <p>6 Q Did consumers and do consumers have to pay the</p> <p>7 ship costs for returning drives under warranty to</p> <p>8 Seagate?</p> <p>9 A The consumer pays inbound freight to Seagate.</p> <p>10 Q And we have been talking about how at least some</p> <p>11 of the drives returned under warranty from consumers to</p> <p>12 Seagate were tested and possibly recertified.</p> <p>13 Was that the case with every consumer return of</p> <p>14 an ST3000 drive under warranty?</p> <p>15 MR. SHARMA: Objection; calls for speculation.</p> <p>16 THE WITNESS: I don't know. Some, yes, but I</p> <p>17 don't know if it was every drive or -- I don't know.</p> <p>18 BY MR. AXLER:</p> <p>19 Q Does Seagate have a protocol for determining</p> <p>20 whether to test a warranty return from a consumer?</p> <p>21 A There are a couple different criteria. If</p> <p>22 there's demand for the product -- so there's demand for</p> <p>23 replacement, then, yeah, we would test it and try and</p> <p>24 recover it. We also have a recertified sales business,</p> <p>25 so if there's a sales outlet that we can use to sell the</p>
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<p>1 A The Long Beach facility is finished goods.</p> <p>2 Q What do you mean by that?</p> <p>3 A So the Long Beach facility is a distribution</p> <p>4 warehouse, and we position a buffer store in that</p> <p>5 location so that the process of the pick -- allocate,</p> <p>6 pick, pack, and ship can take place within the four</p> <p>7 walls of ABC, which is the name of the company in Long</p> <p>8 Beach.</p> <p>9 Q Were ST3000 drives returned from consumers under</p> <p>10 warranty always replaced with drives in stock at Long</p> <p>11 Beach?</p> <p>12 MR. SHARMA: Objection; calls for speculation.</p> <p>13 THE WITNESS: As far as I know, yes.</p> <p>14 BY MR. AXLER:</p> <p>15 Q And were those replacement drives for ST3000</p> <p>16 returns recertified drives, or were they new drives?</p> <p>17 MR. SHARMA: Same objections.</p> <p>18 THE WITNESS: In some cases, if recertified</p> <p>19 product is not available, then we have the option of</p> <p>20 buying new drives and putting them in finished goods.</p> <p>21 BY MR. AXLER:</p> <p>22 Q I take it from your answer that the primary</p> <p>23 source of replacement drives were the recertified drives</p> <p>24 for ST3000 warranty returns; right?</p> <p>25 A That I couldn't tell you. That you would have to</p>	<p>1 recertified product, that would be another reason for</p> <p>2 recertifying the product. And then there are times</p> <p>3 where if the product is beyond repair -- it comes back</p> <p>4 and it's heavily damaged -- then we would scrap it.</p> <p>5 Q After Seagate received -- let me start over.</p> <p>6 After Seagate receives an ST3000 warranty return</p> <p>7 from a consumer, would it keep records -- or does it</p> <p>8 keep records of whether that drive is ultimately tested</p> <p>9 or scrapped or has some other result associated with it?</p> <p>10 A The records we keep are in our serial number</p> <p>11 database. We have a serial number database that tracks</p> <p>12 every serial number from its inception until its</p> <p>13 scrapped if it gets scrapped.</p> <p>14 Q So that serial number database, theoretically,</p> <p>15 contains all information associated -- or all</p> <p>16 information that Seagate has associated with a</p> <p>17 particular ST3000 drive?</p> <p>18 MR. SHARMA: Objection; vague and ambiguous,</p> <p>19 calls for speculation.</p> <p>20 THE WITNESS: As far as I know, yes.</p> <p>21 BY MR. AXLER:</p> <p>22 Q Do you have access to that serial number</p> <p>23 database?</p> <p>24 A Yes.</p> <p>25 Q Do you consult that database?</p>

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<p style="text-align: right;">Page 33</p> <p>1 A Not personally, not these days, but I have</p> <p>2 access -- there's actually warranty database that tracks</p> <p>3 all the serial numbers. I haven't had access since I</p> <p>4 joined the company.</p> <p>5 Q Where is that warranty serial number database</p> <p>6 maintained?</p> <p>7 A Don't know. It's in our internal cloud</p> <p>8 somewhere.</p> <p>9 Q You said that you previously accessed that</p> <p>10 database for what reason?</p> <p>11 A All sorts of reasons. If, for instance, a proper</p> <p>12 escalation -- somebody writes to Steve, our CEO, or some</p> <p>13 other corporate executive and it comes to my desk and</p> <p>14 there's a serial number in the complaint, I may choose</p> <p>15 to look up the serial number just to try and look at the</p> <p>16 history of the serial number.</p> <p>17 So it's -- I like to keep current. So,</p> <p>18 occasionally, I'll run a database just to refresh; that</p> <p>19 I can still read the stuff that's on it. That's a</p> <p>20 typical example. There are other times where I've gone</p> <p>21 in maybe to look at a customer's record and -- and this</p> <p>22 would be a direct customer, not an OEM customer. I've</p> <p>23 done that in the past as well.</p> <p>24 Q You testified about how, when the Penang facility</p> <p>25 had a clean room, there was a robotic test of the drive,</p>	<p style="text-align: right;">Page 35</p> <p>1 MR. SHARMA: Objection; lacks foundation, calls</p> <p>2 for speculation.</p> <p>3 THE WITNESS: The parts that would be replaced as</p> <p>4 matter of norm would be the PCBA, printed circuit board</p> <p>5 assembly. That was a fairly typical process.</p> <p>6 Now, when we had a clean room, when the drive is</p> <p>7 injected in the clean room, we tear it down. We take it</p> <p>8 back to its components, and we recertify things that can</p> <p>9 be recertified. Like media, for instance, can be</p> <p>10 recertified. And we do inspections and stuff on the</p> <p>11 components, assuming they pass a criteria, put them back</p> <p>12 in a build line, another robot that builds drives, and</p> <p>13 they reassemble the drive using robots.</p> <p>14 BY MR. AXLER:</p> <p>15 Q If replacement parts were required for an ST3000</p> <p>16 repair, where would those replacement parts come from?</p> <p>17 MR. SHARMA: Same objection.</p> <p>18 THE WITNESS: They would either have come from</p> <p>19 parts that were recertified in the clean room, or we</p> <p>20 would have purchased parts from the rebuild factories.</p> <p>21 BY MR. AXLER:</p> <p>22 Q Would the warranty serial number database that</p> <p>23 you mentioned to me include information about all</p> <p>24 repairs done to a particular drive?</p> <p>25 MR. SHARMA: Objection; calls for speculation.</p>
<p style="text-align: right;">Page 34</p> <p>1 the return drive; correct?</p> <p>2 A Yes.</p> <p>3 Q How has the testing of ST3000 drives been handled</p> <p>4 in Penang since Seagate or Teleplan did away with the</p> <p>5 clean room?</p> <p>6 MR. SHARMA: Objection; lacks foundation, calls</p> <p>7 for speculation.</p> <p>8 THE WITNESS: You would have to talk to Gena.</p> <p>9 I'm not current on what we are doing today.</p> <p>10 BY MR. AXLER:</p> <p>11 Q So you don't know how they test the functioning</p> <p>12 of the drive in Penang now?</p> <p>13 MR. SHARMA: Objection; asked and answered.</p> <p>14 THE WITNESS: Beyond a very broad test, as we</p> <p>15 call generalized, very large things where robot arm --</p> <p>16 in the case of some products where there's more than one</p> <p>17 port, there's a serial port, as well as regular data</p> <p>18 port, we may take the drive, test part of it in one</p> <p>19 slot, then the robot will put it in another slot, and</p> <p>20 we'll use the test software that's used in the factories</p> <p>21 to test the product.</p> <p>22 BY MR. AXLER:</p> <p>23 Q And with respect to the ST3000 drives and their</p> <p>24 repair, was it ever the case that parts within the drive</p> <p>25 would be replaced as part of the repair?</p>	<p style="text-align: right;">Page 36</p> <p>1 THE WITNESS: It would include a record that said</p> <p>2 the drive went through the repair process, but not the</p> <p>3 details of the repair, because it's not a repair. We</p> <p>4 recertify components and reassemble drives.</p> <p>5 BY MR. AXLER:</p> <p>6 Q You mentioned the term "recertify"; right?</p> <p>7 A Mm-hmm.</p> <p>8 Q Is the certification you are referring to an</p> <p>9 internal Seagate certification, or is it some</p> <p>10 certification that's broader than just a Seagate term?</p> <p>11 A It's an internal certification.</p> <p>12 Q And are there protocols that have to be met in</p> <p>13 order for a repair drive to -- or recertified drive to</p> <p>14 meet that certification standard?</p> <p>15 A There are test protocols, yes.</p> <p>16 Q Can you generally tell me what they are.</p> <p>17 MR. SHARMA: Objection; vague and ambiguous.</p> <p>18 THE WITNESS: I couldn't, actually, not these</p> <p>19 days. My -- I ran repair for a long time. It's been a</p> <p>20 long time since I ran repair.</p> <p>21 BY MR. AXLER:</p> <p>22 Q Would Mr. Kularasah have that information?</p> <p>23 A Gena would have it, yeah.</p> <p>24 Q So if I understood your testimony thus far, the</p> <p>25 receipt of a ST3000 drive returned under warranty would</p>

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<p style="text-align: right;">Page 37</p> <p>1 be handled at Long Beach, as would the return shipment</p> <p>2 to the consumer making the warranty claim of a</p> <p>3 replacement drive; right?</p> <p>4 A Yes.</p> <p>5 Q You have told me that with respect to OEM and</p> <p>6 distribution and cloud customers, that the warranty</p> <p>7 replacement program functions differently and may depend</p> <p>8 on particular agreements between the entity in a</p> <p>9 particular channel and Seagate; right?</p> <p>10 A Yes.</p> <p>11 Q With respect to OEM or distribution or any other</p> <p>12 channel customer outside of consumer, are drives</p> <p>13 returned under warranty ever tested and replaced?</p> <p>14 MR. SHARMA: Objection; vague and ambiguous,</p> <p>15 outside the scope as to OEMs.</p> <p>16 THE WITNESS: In some cases, yes.</p> <p>17 BY MR. AXLER:</p> <p>18 Q When you say "in some cases, yes," what cases</p> <p>19 would those be?</p> <p>20 A I'm not current on which OEMs have taken</p> <p>21 replacements versus taken credit. They also vary</p> <p>22 sometimes by the type of product. We have different</p> <p>23 classes of product. We have enterprise product, that</p> <p>24 type of thing. In some cases, the OEMs may choose to</p> <p>25 take credit for client product and choose to take</p>	<p style="text-align: right;">Page 39</p> <p>1 A Yes.</p> <p>2 Q Would the warranty serial number database also</p> <p>3 reflect whether a drive was discarded?</p> <p>4 A The term we would use at Seagate is "scrapped,"</p> <p>5 and, yes, it would.</p> <p>6 Q With respect to the ST3000 drives, how would</p> <p>7 those drives be scrapped?</p> <p>8 MR. SHARMA: Objection; lacks foundation.</p> <p>9 THE WITNESS: It depends on the location, and I</p> <p>10 get it -- it's more of a Gena thing than an Alan thing,</p> <p>11 but when I ran repair, Teleplan had an area where they</p> <p>12 scrapped drives. They physically drilled holes through</p> <p>13 the drive and things like that so they could be used.</p> <p>14 In some cases, they might recover some components,</p> <p>15 again, depending on the product, but that was a few</p> <p>16 years ago. I don't know what the process is today.</p> <p>17 BY MR. AXLER:</p> <p>18 Q How long has the repair facility we have been</p> <p>19 discussing been in Penang?</p> <p>20 A Let me just think of that for a second. I</p> <p>21 actually put that repair facility in play in Penang, and</p> <p>22 I'm trying to think when I did it. My recollection</p> <p>23 would be sometime in around 2003, 2004. We started to</p> <p>24 transition from the Mexico repair facility to Penang</p> <p>25 from one supplier to a second other supplier.</p>
<p style="text-align: right;">Page 38</p> <p>1 replacements for enterprise product or credit product.</p> <p>2 It really depends on the OEM and those agreements.</p> <p>3 Those are contractual agreements that change over time</p> <p>4 as well.</p> <p>5 Q With respect to the ST3000 drives specifically,</p> <p>6 does that change your answer at all?</p> <p>7 A No.</p> <p>8 Q Would the warranty serial number database that</p> <p>9 you mentioned track warranty returns from OEM,</p> <p>10 distribution, and the other channel outside of consumer</p> <p>11 as well?</p> <p>12 MR. SHARMA: Objection.</p> <p>13 THE WITNESS: Yes.</p> <p>14 MR. SHARMA: It's outside --</p> <p>15 BY MR. AXLER:</p> <p>16 Q So it's comprehensive outside of the consumer</p> <p>17 channel?</p> <p>18 MR. SHARMA: Objection; outside the scope, the</p> <p>19 question 17.</p> <p>20 THE WITNESS: As far as I know, it's</p> <p>21 comprehensive, yes.</p> <p>22 BY MR. AXLER:</p> <p>23 Q You mentioned that, in some instances, Seagate</p> <p>24 would choose to discard a drive rather than repair it;</p> <p>25 right?</p>	<p style="text-align: right;">Page 40</p> <p>1 Q As part of your -- or as part of the normal</p> <p>2 course of your duties, do you track repair information</p> <p>3 collectively for particular model numbers of Seagate</p> <p>4 products?</p> <p>5 A I don't, no.</p> <p>6 Q Does somebody else at Seagate do that type of</p> <p>7 tracking?</p> <p>8 MR. SHARMA: Objection --</p> <p>9 THE WITNESS: I don't know how the tracking is</p> <p>10 managed.</p> <p>11 BY MR. AXLER:</p> <p>12 Q You have mentioned that part of your job</p> <p>13 duties -- or one of your job duties is to run call</p> <p>14 centers, and is it the case that those call centers</p> <p>15 receive complaints about Seagate products?</p> <p>16 A We receive calls and e-mails from customers.</p> <p>17 Some are complaints. Some are questions around</p> <p>18 technical support. Some are questions around features</p> <p>19 they may not be sure of. So it's quite a range of</p> <p>20 questioning or contact from customers.</p> <p>21 Q So I take it Seagate has a, call it, consumer</p> <p>22 support phone number?</p> <p>23 A Yes.</p> <p>24 Q Do you know what that number is offhand, or are</p> <p>25 there many of them?</p>

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<p>1 as "e-tailers"; is that right?</p> <p>2 A Yes.</p> <p>3 Q What e-tailers do you track customer reviews on</p> <p>4 of Seagate products?</p> <p>5 A In North America, it's Amazon.com, Newegg.com,</p> <p>6 BestBuy.com, Wal-Mart.com, and maybe Costco, but I'm not</p> <p>7 sure of the Costco.</p> <p>8 Q Do you have a team of people that monitors those</p> <p>9 e-tailers?</p> <p>10 A Yes.</p> <p>11 Q How many people are on that team?</p> <p>12 A In the U.S., I think there are four people.</p> <p>13 Q Who are they?</p> <p>14 A Knew you would ask me. Actually, I only ever</p> <p>15 deal with the supervisors, a guy called Cory Taylor, and</p> <p>16 sometimes I'll talk to a guy called Alan Gilda, who's</p> <p>17 our agent who's been doing social media stuff for many</p> <p>18 years, or as long as we have been doing it, so those</p> <p>19 were the two. The other ones, the names change</p> <p>20 occasionally within Oklahoma City. I don't keep</p> <p>21 up-to-date.</p> <p>22 Q You say Alan Gilda?</p> <p>23 A G-i-l-d-a. He's based -- he's actually based in</p> <p>24 Longmont.</p> <p>25 MR. SHARMA: That's Oklahoma City.</p>	<p>1 Q What form does that report take as to the star</p> <p>2 reviews?</p> <p>3 A It's basically a list of products. Then there's</p> <p>4 a column that says what the star rating is currently</p> <p>5 versus the star rating on the first 20 reviews. It's</p> <p>6 just a number.</p> <p>7 Q When you say "the first 20 reviews," do you mean</p> <p>8 the first 20 that were ever given on that product on a</p> <p>9 particular e-tailer?</p> <p>10 A Yes.</p> <p>11 Q Why do you use the first 20 as a measure of</p> <p>12 comparison?</p> <p>13 MR. SHARMA: Objection; lack of foundation.</p> <p>14 THE WITNESS: If a product has two reviews and</p> <p>15 one of them's a one star and one of them's a five star,</p> <p>16 there's not much you can conclude from that. You have</p> <p>17 to allow the consumers to talk about the product. We</p> <p>18 picked 20 as an optional number, but it gets us to a</p> <p>19 steady state and where the star rating makes some sense.</p> <p>20 BY MR. AXLER:</p> <p>21 Q What weight, generally speaking, does Seagate</p> <p>22 afford to star reviews of its products on e-tailers?</p> <p>23 MR. SHARMA: Objection; vague and ambiguous.</p> <p>24 THE WITNESS: From -- so we have a team at</p> <p>25 Seagate that designs external products. Most reviews</p>
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<p>1 THE WITNESS: He's in Longmont.</p> <p>2 BY MR. AXLER:</p> <p>3 Q Mr. Gilda is in Longmont, Colorado; correct?</p> <p>4 A Yeah. Yeah.</p> <p>5 Q Is there a name for that team of four people</p> <p>6 managed by Mr. Taylor?</p> <p>7 A Just call it social media team.</p> <p>8 Q Generally, how does the social media team track</p> <p>9 the e-tailers you mentioned?</p> <p>10 MR. SHARMA: Objection; vague and ambiguous.</p> <p>11 THE WITNESS: So the process that we follow is we</p> <p>12 read all the reviews, and, where appropriate, we will</p> <p>13 respond to those reviews online, either with the answer</p> <p>14 to the customer's concern or a request that says, "Let's</p> <p>15 take. We need to talk to you one-on-one to try to</p> <p>16 figure out what's going on with your system," and that's</p> <p>17 at the level of the review, the actual text that's in</p> <p>18 the thing. We also monitor star ratings as well. Just,</p> <p>19 how are we doing from star rating standpoint.</p> <p>20 BY MR. AXLER:</p> <p>21 Q And do you ever see reports about star ratings on</p> <p>22 e-tailers?</p> <p>23 A Yes.</p> <p>24 Q How often?</p> <p>25 A The formal is FQR review, which is once a month.</p>	<p>1 are on external products. Most of my contacts are also</p> <p>2 external products. So the branding team, the consumer</p> <p>3 solutions team, the guys that design external drives are</p> <p>4 based in Cupertino. The star ratings are a significant</p> <p>5 metric at their level. In my organization, the quality</p> <p>6 organization, it's also seen as a significant metric.</p> <p>7 BY MR. AXLER:</p> <p>8 Q Why do you regard it as a significant metric?</p> <p>9 A It's like -- it's the best way of gauging</p> <p>10 customer sentiment, numerically at least, right?</p> <p>11 There's no other way of doing it unless you start</p> <p>12 soliciting millions of customers about your product, so</p> <p>13 it's almost, like, a free survey.</p> <p>14 Q Do the reports on e-tailers star ratings get</p> <p>15 archived at Seagate?</p> <p>16 A I don't know. I have to be honest. I actually</p> <p>17 don't know.</p> <p>18 Q Would the person most knowledgeable about that be</p> <p>19 Mr. Taylor?</p> <p>20 A No. For star ratings, it would be Bea, Bea</p> <p>21 Reilly.</p> <p>22 Q Does Ms. Reilly assemble the reports on star</p> <p>23 ratings?</p> <p>24 A She works with a cross-functional team to</p> <p>25 assemble the FQR, the field quality review, package that</p>

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<p>1 calls for speculation.</p> <p>2 THE WITNESS: I think the reference in Barrett's</p> <p>3 e-mail of the 23rd of June goes back to the reference he</p> <p>4 has in his status report, which says pre-June 2013.</p> <p>5 Yes, I think that's reasonable.</p> <p>6 BY MR. AXLER:</p> <p>7 Q Do you know if -- let me see if I can phrase this</p> <p>8 a little better.</p> <p>9 Were call center employees ever told about this</p> <p>10 pre-June 2013 vintage issue with ST3000 drives?</p> <p>11 MR. SHARMA: Objection; vague.</p> <p>12 THE WITNESS: Almost certainly not.</p> <p>13 BY MR. AXLER:</p> <p>14 Q Why not?</p> <p>15 A The pre-June '13 reference is Apple, from this</p> <p>16 stuff, and typically -- not typically. We don't support</p> <p>17 Apple consumers. And if there was a need for them to be</p> <p>18 told, if it was an issue of significance, then two</p> <p>19 things would happen. One, is they would be told if it</p> <p>20 was an issue of significance, and the second thing is we</p> <p>21 might write a knowledge-based article that would help</p> <p>22 the agents remember that there's some sort of funny</p> <p>23 thing with the particular product. That's very unusual</p> <p>24 for us to do anything like that, and I'm pretty sure, on</p> <p>25 the 3-terabyte desktop Grenada, that we did not do that.</p>	<p>1 that obviously manufacture the product. And around the</p> <p>2 world, we have distribution centers where the product is</p> <p>3 stocked for customers. So when a purchase is made, they</p> <p>4 can come out of these regional distribution centers.</p> <p>5 And product ship hold would be where we decide to</p> <p>6 place a product in a holding location that would prevent</p> <p>7 it shipping out to customers.</p> <p>8 BY MR. AXLER:</p> <p>9 Q In your experience at Seagate, how common are</p> <p>10 ship hold orders?</p> <p>11 MR. SHARMA: Objection; outside the scope, lack</p> <p>12 of foundation.</p> <p>13 THE WITNESS: They are not uncommon, but it's not</p> <p>14 like a daily occurrence. I have people on my team who</p> <p>15 administer ship holds, do the backup clerical work type</p> <p>16 of thing, and I couldn't give you a number, but</p> <p>17 certainly not a full-time job for one person.</p> <p>18 BY MR. AXLER:</p> <p>19 Q In the course of your job duties, do you have</p> <p>20 occasion to monitor ship hold orders?</p> <p>21 A No.</p> <p>22 Q Let me just return to a point you made about --</p> <p>23 or some testimony you gave about the last document we</p> <p>24 looked at, Exhibit 7.</p> <p>25 When I asked you about whether call center</p>
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<p>1 Q Well, I'm not sure I understand that, because the</p> <p>2 drive that Mr. Brown was concerned about -- or one of</p> <p>3 the drives that Mr. Brown was concerned about, which was</p> <p>4 the 3-terabyte Seagate Backup drive, which, correct me</p> <p>5 if I'm wrong, isn't an Apple product; right?</p> <p>6 A Correct, but the -- you asked -- your question</p> <p>7 was around vintage, and the vintage reference is about</p> <p>8 Apple.</p> <p>9 Q No, I understand.</p> <p>10 But Mr. Barrett says, "Can we get" Mr. Brown's</p> <p>11 "Backup Plus drive for analysis?" He's not referring to</p> <p>12 Apple there, is he?</p> <p>13 A Fair enough. That's fair.</p> <p>14 Q Then he says we -- "Would like to understand what</p> <p>15 happened to this and if it is related to what we know</p> <p>16 about Grenada BP early vintage." So he seems to be</p> <p>17 saying there -- and he sent this e-mail to you -- that</p> <p>18 there may be a problem with pre-June 2013 vintage ST3000</p> <p>19 drives outside of the Apple drives?</p> <p>20 A Fair. Okay. I'll accept that.</p> <p>21 Q Are you familiar with the term "ship hold order"?</p> <p>22 A "Ship hold," yes.</p> <p>23 Q What does it mean to you?</p> <p>24 MR. SHARMA: Objection; outside the scope.</p> <p>25 THE WITNESS: Inside Seagate, we have factories</p>	<p>1 employees were informed about a potential issue with</p> <p>2 pre-June 2013 ST3000 drives -- you remember that?</p> <p>3 A Yes.</p> <p>4 Q And you told me it was fair that it seemed that</p> <p>5 Mr. Barrett at least thought there might be a problem</p> <p>6 with pre-June 2013 drives, other than drives sold to</p> <p>7 Apple; right?</p> <p>8 A Yes.</p> <p>9 Q Does that alter your testimony about why call</p> <p>10 center employees weren't informed about that issue with</p> <p>11 pre-June 2013 ST3000 drives?</p> <p>12 MR. SHARMA: Objection; misstates prior</p> <p>13 testimony.</p> <p>14 THE WITNESS: It does not alter my -- what I</p> <p>15 already answered.</p> <p>16 BY MR. AXLER:</p> <p>17 Q Was there ever any discussion within Seagate</p> <p>18 about informing call center employees about a potential</p> <p>19 issue with ST3000 drives made before June 2013?</p> <p>20 MR. SHARMA: Objection; vague, calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: I don't recall even having the</p> <p>23 conversation. There would certainly be -- conversation</p> <p>24 had to take place. I would have been involved in it.</p> <p>25 BY MR. AXLER:</p>

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1 Q And the reason I ask you would it alter your
2 testimony is I believe you told me if Seagate believed
3 there was a problem with those drives sold to endusers,
4 consumers, it would have informed the call center
5 employees about it, and it seems from Mr. Barrett's
6 e-mail and other e-mails -- and his first e-mail in the
7 chain and his last e-mail, he believed there was a
8 problem with pre-June 2013 ST3000 drives.

9 If that's the case, if Mr. Barrett believed
10 that -- and he certainly seemed to based on his
11 e-mails -- why were call center employees not informed?

12 MR. SHARMA: Objection; calls for speculation,
13 incomplete hypothetical.

14 THE WITNESS: There are two reasons. One is
15 related to the significance, a significant issue that my
16 agents have to be aware of. And, at the time, it didn't
17 register with me or my staff that it's something that my
18 agents need to be aware of. The second reason is, in my
19 business, in the call center business, if you tell an
20 agent rightly -- if you tell an agent there's a problem
21 with a particular drive and you can't quantify the scale
22 and you can't quantify the application and you can't
23 quantify the use case, because not every use case and
24 not every product would fail, the agent has a tendency
25 to immediately say everything that goes on with that

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1 MR. SHARMA: Objection; vague, misleading, calls
2 for speculation.

3 THE WITNESS: Joni's e-mail was a what-if
4 scenario. I don't know that I -- I would be speculating
5 a little bit, but I don't believe there's a document
6 exists that demonstrates that 850,000 drives had a
7 problem in the channel. I think there's a lot of
8 speculation. I think there was a lot of
9 what-if-scenario type stuff going on. I've never seen a
10 document that said 850,000 drives are going to fail in
11 the next six months or year, or whatever it is; because,
12 in that case, yes, I would have had to make arrangements
13 to change the way I do my thing and in the service
14 centers.

15 But when we concluded -- as I said, the e-mails
16 I've looked at, what-if scenarios, that may be the case.
17 This may be a problem. There's a vintage thing going on
18 here. There was no conclusive evidence that would have
19 driven me towards changing the way I do things in my
20 service centers.

21 BY MR. AXLER:

22 Q Do you know if Seagate ultimately ever did any
23 follow-up on those 850,000 drives that it was concerned
24 about to see what the failure rates were?

25 A I'm not involved in failure rate analysis. You

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1 product -- it must be that product.

2 Because, you know, it -- in fairness, agents are
3 low-level employees. And in call center environments,
4 if you spend your day and all you are doing is handling
5 telephone calls with customers with complaints or they
6 are yelling at you and using inappropriate language, if
7 you can find an easy way out and you don't try and debug
8 or understand the issue, you just focus on -- if I tell
9 150 agents the issue, you just focus on -- all you do is
10 you say, "Well, my boss told me this product has this
11 issue; therefore, it must be this issue," and it becomes
12 an easy out for the agent, and it's not a good service
13 experience for the customer, and it's certainly not a
14 good experience for Seagate either. We have to treat
15 each case as a case.

16 BY MR. AXLER:

17 Q Understood.

18 But from the documents we have looked at, it
19 appears that the problem Mr. Barrett discusses may have
20 affected as many as 850,000 drives based on Ms. Clark's
21 e-mail and some of the subsequent documents we looked
22 at.

23 Doesn't that number of drives having the same
24 potential issue rise to the level that you would inform
25 your call center employees about it?

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1 would need to be talking to -- well, actually, you would
2 need to be talking to the analytics team, which is run
3 by Elias -- can't remember his second name. There is a
4 process by which we monitor return rates. It's a very
5 rigorous process. It's run by Gordon staff -- Gordon
6 runs by vintage analytics charts, by region, by vintage,
7 by product. So we monitor that to see where return
8 rates are, and that monitoring, I believe, is monthly.

9 Q Do you know for a fact that any monitoring of
10 that type was done on these particular 850,000 drives
11 identified by Ms. Clark?

12 MR. SHARMA: Same objections.

13 THE WITNESS: It would have been done as a matter
14 of course because we monitor the return rates at the
15 vintage level.

16 BY MR. AXLER:

17 Q Do you know if Seagate ever broke out those
18 850,000 drives to determine what the failure rate was?

19 A No, I don't.

20 Q Let's go back to talking about the ship hold
21 orders, and I believe you said it's not part of your
22 regular job duties to monitor ship hold orders; is that
23 right?

24 A Yes.

25 Q What occasion do you have to learn about ship

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<p style="text-align: right;">Page 173</p> <p>1 I, ALAN WEIR CLARK, do hereby declare under 2 penalty of perjury that I have read the foregoing 3 transcript; that I have made any corrections as appear 4 noted, in ink, initialed by me, or attached hereto; that 5 my testimony as contained herein, as corrected, is true 6 and correct. 7 EXECUTED this ____ day of _____, 8 2017, at _____, 9 (City) (State)</p> <p>10 11 12 ALAN WEIR CLARK 13 VOLUME 1 14 15 16 17 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">Page 174</p> <p>1 2 3 4 I, the undersigned, a Certified Shorthand 5 Reporter of the State of California, do hereby certify: 6 That the foregoing proceedings were taken before 7 me at the time and place herein set forth; that any 8 witnesses in the foregoing proceedings, prior to 9 testifying, were placed under oath; that a verbatim 10 record of the proceedings was made by me using machine 11 shorthand which was thereafter transcribed under my 12 direction; further, that the foregoing is an accurate 13 transcription thereof. 14 I further certify that I am neither financially 15 interested in the action nor a relative or employee of 16 any attorney or any of the parties. 17 IN WITNESS WHEREOF, I have this date subscribed 18 my name. 19 20 21 22 <%signature%> 23 RACHEL FERRIER 24 CSR No. 6948 25 Dated: October 24, 2017</p>	

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